

REMARKS

This communication is responsive to the non-final Office Action mailed September 7, 2005. In the Office Action, the Examiner rejected pending claims 1-22.

The rejections of the claims are respectfully traversed because the cited references, alone or in combination, do not disclose an implant having a surface structure that improves ingrowth characteristics associated with the implant in accordance with the present invention.

In the present communication claims 1 and 20 have been amended in order to clarify the meaning of ingrowth characteristics associated with the implant. No new matter has been added.

Rejection under 35 U.S.C. § 102

Claims 1-3, 6, 7, 17, 18, 19, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bokros (3,783,868).

Bokros describes a percutaneous implant for drug injection in which the stem of the implant has a collar for preventing progressive growth of epithelium tissue along the stem of the implant to prevent encapsulation of the implant by the epithelium tissue.

However, Bokros does not teach or suggest an implant with a surface structure that improves ingrowth characteristics associated with the implant by promoting growth of cellular tissue in at least one direction relative to the surface of the implant as recited in amended claim 1. Accordingly, amended claim 1 is believed to be patentable over the art of record.

Similarly, Bokros does not teach or suggest a method for producing an implant wherein the surface structure of the implant improves ingrowth characteristics by promoting growth of cellular tissue in at least one direction relative to the surface of the implant as recited in amended claim 20. Therefore, amended claim 20 is believed to be patentable over Bokros.

Claims 2, 3, 6, 7, and 17-19 depend from amended claim 1 and are believed to be patentable for at least the reasons set forth above with respect to amended claim 1.

Claim 21 depends from amended claim 20 and is believed to be patentable for at least the reasons set forth above with respect to amended claim 20.

In view of the comments provided above, reconsideration and allowance of amended claims 1 and 20 and dependent claims 2, 3, 6, 7, 17-19 and 21 are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 4, 5, 8-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bokros. However, these claims depend from amended claim 1 and are believed to be patentable over the art of record for at least those reasons set forth above with respect to amended claim 1. Therefore, reconsideration and allowance of claims 4, 5 and 8-16 are respectfully requested.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bokros in view of Ragheb et al (US 6,096,070). Ragheb describes coated implantable medical devices such as coronary stents made from a base material that is coated with a polymer layer, a bioactive layer comprising medicine to be delivered to the patient and a porous layer over the bioactive layer to control the delivery of the medicine comprising the bioactive layer to the patient. Physical etching is described as one method of surface processing of the layers, which are formed by vapor deposition of the polymer and bioactive layers.

However, Ragheb does not teach or suggest a method for producing an implant wherein the surface structure of the implant improves ingrowth characteristics by promoting growth of cellular tissue in at least one direction relative to the surface of the implant as recited in amended claim 20. Since claim 22 depends from amended claim 20, claim 22 is also believed to be patentable over the art of record. Reconsideration and allowance of claim 22 is therefore respectfully requested.

New Claims 23-26

New claims 23-26 have been added to further clarify the meaning of improved ingrowth characteristics associated with the implant. No new matter has been added.

Claims 23-24 depend from amended claim 1 and are believed to be patentable over the art of record for at least those reasons set forth above with respect to amended claim 1.

Claims 25-26 depend from amended claim 20 and are believed to be patentable over the art of record for at least those reasons set forth above with respect to amended claim 20.

Conclusion

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

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By: David E. Bruhn  
David E. Bruhn, Reg. No. 36,762  
(612) 340-6317